



REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested. Claims 1, 4-9, 12-17, 20-25, and 28-32 are pending in the present application.

In the outstanding Office Action, Claims 1, 4-9, 12-17, 20-25, and 28-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,884,056 to Steele in view of EP 1 024 444 A2 to Hori.

Briefly recapitulating, the present invention (claim 1) is directed to an apparatus for extracting still pictures from a picture stream including both scene-changing still pictures and non-scene-changing still pictures. Claim 1 defines a transmission sequence determining unit configured to determine a transmission sequence to transmit the still pictures in one series, which is different than the sequence of the still pictures in the picture stream such (a) that each of the scene-changing still pictures of the transmission sequence are transmitted prior to the non-scene-changing still pictures and (b) that one of the non-scene changing still pictures positioned in a middle of a largest interval between scene-changing still pictures included in the picture stream is first transmitted after the scene-changing still pictures are transmitted. This sequencing feature addresses the problems discussed in the February 10, 2006 amendment and identified in the specification at page 7, lines 20-25 and page 7, lines 9-12. Further, as a consequence of the present invention, non-scene changing still pictures are sent without selection and request by a user while the user is browsing the pictures received. Therefore, the user need not continue either the selection or request process.

Though they are different in scope, each of amended independent Claims 9, 17, and 25 recites the sequencing feature. The active pending claims depend from Claims 1, 9, 17, and 25.

The November 10, 2005 Office Action asserted on page 9 that the sequencing feature,

though admittedly not taught in the applied art, would have been an obvious engineering design choice for two reasons. The November 10, 2005 Office Action asserted that “Applicant has not disclosed that specifically transmitting one of the non-scene changing still pictures positioned in a middle of a largest interval between scene changing still pictures included in the picture stream as the first still picture transmitted” provides an advantage. In Applicants’ February 10, 2006 response to the November 10, 2005 Office Action, Applicants traversed and identified where in the specification advantages were disclosed. In the current Office Action, the same argument regarding lack of an advantage is maintained; however, Applicants’ response thereto in the February 10, 2006 amendment is not addressed. Applicants request reconsideration of the outstanding rejection at least on that ground.

Revisiting the outstanding obviousness rejection, Applicants point out that Steele discloses a system and method for video browsing over a network. According to Steele, the graphical user interface displays a set of points such as thumbnail representations of scene cut-points within an object. After a first transmission of the thumbnail representation of the scene changing frames, a user selects an interval between two representations, whereby a new set of points between the selected interval are provided in a second transmission.<sup>1</sup> Thus, as conceded in the office action, Steele does not teach or suggest a determining unit configured to determine a sequence where a first transmission including both scene-changing still pictures and a non-scene-changing still pictures are positioned in the middle of a largest interval between scene-changing still pictures. Consequently, in Steele, the transmission process is slow and requires the user to make multiple requests. Further, unlike the present invention, the pictures to be transmitted are selected by the user. Most importantly, Steele does not teach or suggest a transmission sequence determining unit having the claimed functionality.

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<sup>1</sup> Steele, Abstract; Figure 4; and col. 6, lines 13-35.

Hori merely discloses the fact that still pictures can be provided between scene-changing still pictures. Applicants submit that Hori, however, is not related to picture transmission technology and hence is inapplicable to the problem facing the picture transmission technology. Rather, Hori is directed to sampling and providing meta data for an image. Applicants also maintain that Hori does not teach the claimed reordering of still images (scene-changing and non-scene changing) for transmission as one series. As conceded in the office action, Hori does not teach or suggest the sequencing feature of the present invention. Applicants submit that the sequencing feature of the present invention would not have been an obvious engineering design choice in view of Hori and Steele because a device configured to select the non-scene changing frames prior to the user's focused request based on a predefined algorithm is counter-intuitive to the teachings of Steele to transmit a first set of thumbnails prior to a user focusing his request. The teachings of Hori to decimate the non-scene changing frames to address a bandwidth issue merely reflects that the non-scene changing frames are not as valued as scene-changing frames.

Finally, the Office Action asserts that Hori teaches "that acquiring and sending the non-scene-changing still pictures is automated and sent as a single transmission." Applicants traverse. However, even assuming arguendo that this assertion is true, the combination of Hori and Steele fail to teach or suggest a determining unit configured to sequence the images such that one of the non-scene-changing still pictures positioned in the middle of a largest interval between scene-changing still pictures included in the picture stream is first transmitted after the scene-changing still pictures are transmitted.

For the foregoing reasons, Applicants submit that Steele does not anticipate or render obvious the subject matter defined by claims 1, 9, 17, and 25 when considered alone or in combination with Hori. Consequently, Applicants respectfully request that the rejections of

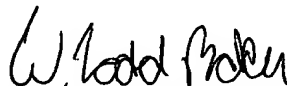
Application No. 09/963,397  
Reply to Office Action of June 5, 2006

Claims 2, 8, 10, 16, 18, 24, 26 and 32-44 as unpatentable over Steele in view of Hori be  
withdrawn.

In light of the above discussion, the present application is believed to be in condition  
for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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